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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, individually and on)
behalf of all others similarly situated,)
)
Plaintiff,)
)
v.)
)
RIOT BLOCKCHAIN, INC. f/k/a BIOPTIX,)
INC., JOHN O'ROURKE, JEFFREY)
MCGONEGAL, BARRY HONIG,)
CATHERINE DEFRANCESCO, MICHAEL)
BEEGHLEY, JOHN STETSON, MARK)
GROSSMAN, ANDREW KAPLAN, MIKE)
DAI, JASON LES and ERIC SO,)
)
Defendants.)

Civil Action No.: 18-2293 (FLW)(ZNQ)

Hon. Freda L. Wolfson

**[PROPOSED] ORDER GRANTING
DEFENDANT MIKE DAI'S MOTION
FOR LEAVETO FILE, AND TO FILE,
A SUR-REPLY IN SUPPORT OF HIS
MOTION TO DISMISS LEAD
PLAINTIFF'S CORRECTED
CONSOLIDATED CLASS ACTION
COMPLAINT**

This matter having come before the Court on motion of Dorsey & Whitney LLP, attorneys for Defendant Mike Dai, for Leave to File a Sur-Reply in Support of Defendant Mike Dai's Motion to Dismiss the Corrected Consolidated Amended Class Action Complaint for Violations of the Federal Securities Laws was heard on March 16, 2020 in Room 5E of the above-captioned Court.

Having heard and considered all of the pleadings and records on file, and all papers in support of and opposition to the Request, and good cause appearing therefore,

IT IS, on this__ day of _____, 2020, HEREBY ORDERED THAT:

1. The Defendant Mike Dai's Motion for Leave to File a Sur-Reply is GRANTED.

The Court grants Defendant Mike Dai's request to file a sur-reply under Local Civil Rule 7.1(d)(6) of no more than 5 pages in support of his Motion to Dismiss.

2. Mike Dai will submit his Sur-Reply within ____ days of this Order.

IT IS SO ORDERED.

DATED: _____, 2020

Honorable Freda L. Wolfson